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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,682	08/02/2001	Lands J. Stewart JR.		5757

24919 7590 03/28/2003

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EXAMINER

BANNAPRADIST, LISA M

ART UNIT PAPER NUMBER

3676

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,682

Applicant(s)

STEWART, LANDS J.

Examiner

Lisa Bannapradist

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12-20, 24-30 and 34 is/are rejected.
- 7) ☒ Claim(s) 8-11, 21-23 and 31-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on January 3, 2003 is sufficient to overcome the Andrews reference. New grounds of rejection follow below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-7, 12-20, 24-30 and 34** are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,816,711 to Gingrich.

Gingrich discloses a seal for use between a rotating surface or rotor (B) and stationary surface or housing comprising a ring (56), sealing surface, pair of race engagement surfaces (opposite sides of 56), pair of first races (at 20), pair of second races (at 30), and plurality of bearing elements (52) within bearing openings as claimed. The seal also has bearing cages (54), planar first bearing surfaces (18) and planar second bearing surfaces (32), rollers (52), and recess (around 18) as shown. The housing sealing surface (22) is substantially cylindrical and the ring sealing surface (within 56) is substantially concentric with the housing sealing surface.

Allowable Subject Matter

4. **Claims 8-11, 21-23 and 31-33** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:
 - a. Gingrich fails to disclose either pair of annular grooves or annular portions.
 - b. US 3,376,084 to McKee teaches a seal ring (56, 58) defining a pair of annular grooves (on 68) and a race (38, 40) comprising annular portions (hooks adjacent to 72) extending into the grooves. However, the annular portions are disposed on the second stationary race and not the first rotating race as claimed by applicant.
 - c. US 4,782,770 to Dickinson teaches a seal ring (42, 44) defining a pair of annular grooves (grooves adjacent to 62, 64) and a race (12) comprising annular portions (flanges at the end of the race fitting into grooves) extending into the grooves. However, the annular portions are disposed on the second stationary race and not the first rotating race as claimed by applicant.

Response to Arguments

6. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection. Examiner concurs that Andrews fails to expressly disclose a sealing ring or rollers as claimed by applicant and as cited by the examiner. Therefore, the rejections of the prior office action based on 35 U.S.C. §102(b) are withdrawn.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 4,809,992 to Kemp, Jr. et al., US 3,473,814 to Bastow, US 3,376,084 to McKee, US 4,872,770 to Dickinson, US 5,370,404 to Klein et al., US 3,658,395 to Hallerback, US 3,988,047 to Kufner, and DE 44 08 831 A1 to Rieder.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Bannapradist whose telephone number is 703-305-4806. The examiner can normally be reached on Mon-Thurs and every other Friday from 8:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on 703-308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.


Anthony Knight
Supervisory Patent Examiner
Technology Center 3600

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March 22, 2003